IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.909 OF 2006
IN
SECOND APPEAL NO.872 OF 2003

Shri Ramchandra Mahadeo Hawaldar — Appellant
vs.
Shri Dnyaneshwar Shripati Thule — Respondent

Mr.R.S.Apte for the appellant.

Mr.Girish S. Godbole for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 28th August, 2007

P.C.

The appellant has filed the present application to produce additional evidence and to bring the events and subsequent documents on record. The trial Court and while confirming the same by the Appellate Court, on the merits of the matter as the appellant failed to prove his title towards the suit property, the Suit was dismissed. The issue of tenancy was an additional factor which was also held against the appellant. Therefore, the documents referring to the tenancy of the suit property in no way supports the case of the applicant to grant such application. The subsequent Grampanchayat Resolution dated 26.9.2005 at this stage of the proceeding based on Resolution dated 23.12.1986 cannot be allowed to be taken on record. Such documents or letters should have been made available during the

trial or at the relevant time. Apart from this, the reasoning given by the Courts below, based upon the admission, such application is therefore, at this stage of the proceeding cannot be allowed in the Second Appeal.

2. In view of the dismissal of the Second Appeal and for above reason, the present Application is also dismissed.

[ANOOP V. MOHTA,J.]